IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 7210 of 2007(G)

PETITIONER:

A.K.NAZER, S/O LATE KHADERPILLA,
ANJIKKATH HOUSE, PATHADIPPALAM, CHANGAMPUZHA
NAGAR P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.KKM.SHERIF
SRI.T.K.SAIDALIKUTTY
SRI.P.A.MOHAMMED ASHROF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS:

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1. KALAMASSERY MUNICIPALITY,
KALAMASSERRY, ERNAKULAM DISTRICT,
REPRESENTED BY IT'S SECRETARY.

2. K.H.ABDUL MAJEED, S/O HASSAN,
ELLICKAL HOUSE, PATHADIPALAM,
CHANGAMPUZHA NAGER P.O.,ERNAKULAM.

3. K.H.MOHAMMED ALI, S/O HASSAN,
ELLICKAL HOUSE, PATHADIPALAM,
CHATGAMPUZHA NAGER P.O., ERNAKULAM.

4. K.H.ABDUL SALAM, S/O HASSAN,
ELLICKAL HOUSE, PATHADIPALAM,
CHANTGAMPUZHA NAGER P.O., ERNAKULAM.

5. K.H.ABDUL KAREEM, S/O HASSAN,
ELLICKAL HOUSE, PATHADIPALAM,
CHANTGAMPUZHA NAGER P.O.,ERNAKULAM.

BY ADV. SRI.JOSEPH A.VADAKKEL
SRI.GEORGE KARITHANAM VARGHESE
SRI.V.J.JOHN
SRI.C.I.ABRAHAM
SRI.JOSE KURIAKOSE (VILANGATTIL)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 7210 of 2007

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Dated this the 14th day of August, 2007

JUDGMENT

Prayer in the writ petition is for a direction to take action under Section 406 of the Municipality Act and to direct the first respondent to take a decision in the matter of giving license to the industrial unit situated in the properties of respondents 4 to 5 strictly in accordance with Ext.P4 order. According to the party respondent after Ext.P2, which was challenged and disposed of by Ext.P3 judgment though an appeal was preferred, it came to be dismissed on account of default. Thereafter the Municipality issued another notice dated 21.7.2007 and challenging the said notice the party respondents approached the Tribunal again and Tribunal had entertained the appeal and granted stay. In view of this submission I feel that the prayer sought for by the petitioner cannot be considered.

Leaving open the contentions of the petitioner, the writ petition is closed.

(K.M. JOSEPH, JUDGE)

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